

GERSTMAN SCHWARTZ LLP
ATTORNEYS AT LAW

MEMO ENDORSED

December 6, 2021

Denied.


Ona T. Wang 12/06/2021
United States Magistrate Judge

VIA CM/ECF & EMAIL

The Honorable Ona T. Wang (Wang_NYSDChambers@nysd.uscourts.gov)
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *National Coalition on Black Civil Participation et al. v. Wohl et al.*, United States District Court, Southern District of New York, Case No. 1:20-cv-08668

Dear Judge Wang:

We write on behalf of the Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 (collectively, "Defendants") in the above-referenced matter to address Your Honor's Order dated November 29, 2021, wherein your Honor granted in part and denied in part Plaintiffs' Motion to Compel. [Docket No. 151].

For context, the Court granted Plaintiffs' motion to compel certain documents requiring production of documents responsive to Requests 3 (as it relates to the October 2020 Robocall), 5, 8, 11, 12, 13 and 18 and 20, by December 10, 2021. *Id.*

Included in these document demands are all criminal court records, which aside from being voluminous, are a matter of public record equally as accessible to Plaintiffs, particularly the New York State Attorney General, which can likely obtain these documents at a negligible or no cost. Defendants, however, are not in possession of these records, nor is our office; although we have, and will continue to, contact the various criminal defense attorneys in the sundry states and ask for their assistance.

More importantly, the Defendants have been away for the Thanksgiving and Chanukah holidays and do not have the Requested documents readily available. Mr. Burkman, for instance, is with family in Kentucky until December 19, and thereafter will be in Rochester until after Christmas. Mr. Wohl is likewise away.

GERSTMANSCHWARTZ.COM

GERSTMAN SCHWARTZ^{LLP}
ATTORNEYS AT LAW

Based on the foregoing, we respectfully request an extension of the December 10 deadline to comply with Your Honor's Order until January 10, 2022. Plaintiffs' respective counsel each consent to our request for an extension.

Respectfully Submitted,
/s/ David M. Schwartz
/s/ Randy E. Kleinman

cc: All counsel of record (via ECF)